

## **REMARKS**

### **1. Summary of Final Office Action Mailed December 23, 2005**

In the Final Office Action mailed December 23, 2005, with claims 1-4 pending, the Examiner (i) rejected claims 1-3 under 35 U.S.C. § 103(a) as being unpatentable over the combination of U.S. Patent 6,519,456 (Antonio), U.S. Patent 6,363,262 (McNicol), and U.S. Patent 6,219,562 (Williams); and (ii) rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Antonio, McNicol, Williams, and U.S. Patent 5,872,823 (Sutton).

### **2. Pending Claims**

Presently pending in this application are claims 1-4, of which only claim 1 is independent. Claims 1 and 4 are amended herein.

### **3. Response to Examiner's Rejections**

The Examiner rejected independent claim 1 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Antonio, McNicol, and Williams. Applicants have amended claim 1 to clarify the scope of the claimed subject matter, and respectfully request reconsideration. As amended, claim 1 is directed to a base transceiver station (BTS) comprising “a signal transformation unit for transforming and modulating an input signal received from said multi-rate channel unit, wherein said signal transformation unit includes radio frequency (RF) switches to dynamically select one of a plurality of bandpass filters to provide selective forward-link-bandwidth operation.”

The BTS of claim 1 is a multi-rate BTS capable of handling calls of different data rates and having modulated carriers of different bandwidths. In particular, the BTS of

claim 1 is able to be configured by dynamically selecting (via RF switches) a bandpass filter that is appropriate for the bandwidth of each particular carrier frequency. The BTS is thereby able to provide selective bandwidth operation on the forward link. That is, the BTS can dynamically switch between operating with a particular carrier frequency at a first bandwidth (such as 1.25 MHz) and operating with that carrier frequency at a second bandwidth (such as 5.00 MHz) by operation of the RF switches.

Among the requirements to establish a *prima facie* case of obviousness is that the prior art references when combined must teach or suggest all the claim limitations. MPEP § 2143. None of the cited references – nor the combination thereof – teach a BTS having the above-referenced signal transformation unit of claim 1. For at least this reason, claim 1 is patentable over the cited combination of references.

Of the cited art, only McNicol teaches the use of switches to dynamically select one of a plurality of bandpass filters. (See McNicol, Figure 8, col. 11, lines 50-64.) McNicol, however, teaches this in the context of carrier isolation on a receiving channel of a BTS. This has nothing to do with forward-link bandwidth. In fact, McNicol is not related to forward-link bandwidth in any way. Rather, it discloses various approaches for improving reception of information that is incident to a BTS on multiple carriers.

Also among the requirements to establish a *prima facie* case of obviousness is that there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. MPEP § 2143. With respect to claim 1, the Examiner stated in the Final Office Action mailed December 23, 2005 that “[t]he motivation [to combine] would have been to reduce the cost of the system.” Applicant respectfully

submits that such general statements about cost reduction cannot provide the necessary motivation to combine. It cannot be the case that these statements render all cost-reducing measures patentably obvious. Nor do the references contain any motivation to combine that would lead one of skill in the art to create the BTS of claim 1.

Thus, claim 1 is patentable over the cited combination of references. The Examiner also rejected claims 2 and 3 as being unpatentable over the combination of Antonio, McNicol, and Williams. Claims 2 and 3 each depend from claim 1. For the reasons stated above, claims 2 and 3 are also patentable over the cited references.

Finally, the Examiner rejected claim 4 as being unpatentable over the combination of references used to reject claims 1-3, and further in view of Sutton. Claim 4 depends from claim 1. Sutton does not make up for the deficiency described above with respect to claim 1. Thus, claim 4 is also patentable over the cited references.

#### 4. Conclusion

Applicant submits that the application is in good and proper form for allowance and respectfully requests the Examiner to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney, at 312-913-3317.

Respectfully submitted,

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By:

  
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